

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:05CV321

KATRINA JOINER,

Plaintiff,

vs.

CHOICEPOINT SERVICES, INC.,)
and REVCO DISCOUNT DRUG)
CENTERS, INC., d/b/a CVS,)

Defendants.)
_____)

ORDER

THIS MATTER is before the Court on Defendant Revco/CVS's Motion to Quash and for a Protective Order, filed September 13, 2006, regarding Plaintiff's Rule 30(b)(6) deposition notices and subpoenas *duces tecum* issued to Defendant and its employee, Robert Creed.

Defendant moved to quash the Plaintiff's deposition notices and subpoenas because they required Defendant and its agent to appear in Charlotte, North Carolina, for the depositions instead of Defendant's principal place of business in Rhode Island, and because they failed to comply with the Court's discovery scheduling order. **Defendant's Motion**

to Quash and for a Protective Order, filed September 13, 2006, at 1-2.

Additionally, Defendant requested a protective order for Robert Creed due to Creed being on medical leave of absence. *Id.* at 2.

On September 25, 2006, Plaintiff filed notice with the Court that the parties had agreed to conduct the depositions in Rhode Island. **Plaintiff's Response to Defendant's Motion to Quash, filed September 25, 2006, at 1.** Further, Plaintiff states the deposition of Robert Creed will be conducted at a later time agreed upon by both parties. *Id.* Therefore, the relief sought by Defendant through the motion to quash and for a protective order is now moot.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Quash and for a Protective Order regarding Plaintiff's Rule 30(b)(6) deposition notices, subpoenas *duces tecum* issued to Defendant Revco/CVS and Robert Creed is hereby **DENIED** as moot.

Signed: October 3, 2006



Lacy H. Thornburg
United States District Judge

